

# IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	No. 62078-9-I
Respondent,	)	
	)	DIVISION ONE
v.	)	
	)	
FRANK LEE EVANS, III	)	UNPUBLISHED OPINION
	)	
Appellant.	)	FILED: June 7, 2010
_____	)	

PER CURIAM. Frank Evans appeals the sentence imposed following his convictions on five counts of first degree assault while armed with a deadly weapon. He contends that when, as in this case, a first degree assault conviction is based on the use of a firearm, the imposition of a deadly weapon enhancement violates double jeopardy principles. He also contends that the imposition of multiple firearm enhancements based on a single incident involving a single firearm violates double jeopardy. We initially granted Evans's motion to stay consideration of his appeal pending the Washington State Supreme Court's decisions in State v. Kelley, 168 Wn.2d 72, 226 P.3d 773 (2010) and State v. Aguirre, No. 82226-3, 2010 WL 727592 (Wash. Mar. 4, 2010). The decisions in those cases have now been filed. Because they reject the arguments Evans raises in this appeal, we lift the stay and affirm.

Affirmed.

For the court:

Spencer, J.

Dwyer, C. S.

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Becker, J.